

United States District Court

For the Northern District of California

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E-filed: 1/30/2008

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

HYUNIX SEMICONDUCTOR INC., HYUNIX
SEMICONDUCTOR AMERICA INC.,
HYUNIX SEMICONDUCTOR U.K. LTD., and
HYUNIX SEMICONDUCTOR
DEUTSCHLAND GmbH,

Plaintiffs,

v.

RAMBUS INC.,

Defendant.

No. CV-00-20905 RMW

ORDER REGARDING TRIAL
PROCEDURES

[Re Docket No. 3086]

1	RAMBUS INC.,	No. C-05-00334 RMW
2	Plaintiff,	[Re Docket No. 1117]
3	v.	
4	HYNIX SEMICONDUCTOR INC., HYNIX	
5	SEMICONDUCTOR AMERICA INC.,	
6	HYNIX SEMICONDUCTOR	
7	MANUFACTURING AMERICA INC.,	
8	SAMSUNG ELECTRONICS CO., LTD.,	
9	SAMSUNG ELECTRONICS AMERICA,	
10	INC., SAMSUNG SEMICONDUCTOR, INC.,	
11	SAMSUNG AUSTIN SEMICONDUCTOR,	
12	L.P.,	
13	NANYA TECHNOLOGY CORPORATION,	
14	NANYA TECHNOLOGY CORPORATION	
15	U.S.A.,	
16	Defendants.	
17	RAMBUS INC.,	No. C-06-00244 RMW
18	Plaintiff,	[Re Docket No. 738]
19	v.	
20	MICRON TECHNOLOGY, INC., and	
21	MICRON SEMICONDUCTOR PRODUCTS,	
22	INC.	
23	Defendants.	

20 The court hereby confirms and supplements its orders regarding trial procedures.

21 **A. Voir Dire Procedure**

22 The court will follow the jury selection procedure outlined in its Standing Order Regarding
23 Pretrial Preparation. Each side will have 15 minutes to supplement the examination of the
24 prospective jurors. Three peremptory challenges will be allowed for each side. Any challenge for
25 cause should be made at side bar or otherwise outside the presence of the other prospective jurors.

26 **B. Trial Time**

1 The Manufacturers¹ will be allowed 48 hours and Rambus 45 hours for presentation of their
2 respective cases. Time is allocated to a side whenever that side is making a statement or examining
3 a witness. The 48 and 45 hour limitations do not include jury selection or closing arguments, but do
4 include opening statements. Closing argument will be separately limited. Any scheduled jury time
5 used by the parties to raise issues outside the jury's presence will be allocated between the parties as
6 the court deems appropriate.

The Manufacturers may divide their 48 hours by agreement or, if requested before the commencement of trial, the court will divide the time among them.

9 Each side may use up to 1 hour of its allocated time for interim transition statements. These
10 may be made before or after a witness testifies.

11 || C. Witness Photographs

12 The parties are to arrange for a photograph of each testifying witness to be taken
13 immediately before the witness testifies and for a copy of that photograph to be given to each juror
14 at the time the witness is called. The witness photographs will be hole-punched for inclusion in the
15 jurors' notebooks.

D. Disclosure of Witness-Specific Documents

17 Exhibits to be used in connection with the examination of a witness must be identified with
18 the witness 2 business days prior to calling the witness. However, for any adverse witness, the side
19 calling the witness may withhold the identification of any document that it, in good faith, believes
20 would cause it prejudice if disclosed. For any such document, the court must be notified at least the
21 day before the witness is going to be called if the calling party anticipates an objection to the use of
22 the document. The court will then determine how the potential objection will be handled.

E. Notice to Third Party Witnesses

24 The parties will make good faith efforts to give third party witnesses 5 calendar days advance
25 notice of the date on which they are to appear but, in no event absent good cause shown, less than 3

¹ For purposes of this order, the court collectively refers to the Hynix, Micron, and Nanya entities as "the Manufacturers."

1 days notice.

2 **F. Rambus's Request to Modify Subpoena for Geoff Tate**

3 Rambus's request that the Manufacturers be required to modify their subpoena of Mr.
4 Tate so that he may testify before his scheduled trip on February 20 is granted on the following
5 conditions: (1) in lieu of calling Mr. Tate as a live witness, the Manufacturers may elect to take a
6 video deposition of Mr. Tate at Rambus's expense at a reasonable time before the 20th and use the
7 deposition whenever they want during the presentation of their case; (2) Rambus's cross-
8 examination is limited to the scope of the Manufacturers' examination; and (3) Rambus may not call
9 Mr. Tate as a live witness in its own case. If Rambus is unwilling to agree to these conditions, the
10 motion to modify the subpoena is denied.

11 **G. Juror Notebooks**

12 Juror notebooks will be provided to each juror and will contain the preliminary instructions,
13 the court-approved glossary and charts showing the relevant patent claims and each Manufacturer's
14 products assumed to infringe, and note paper.

15 **H. Exchange of Trial Exhibits, Quotations From Depositions or Other
16 Demonstrative Exhibits to be Used in Opening Statements**

17 Trial Exhibits, quotations from depositions or other demonstrative exhibits to be used in
18 opening statements are to be exchanged no later than 5:00 p.m. on Friday, February 1. Objections, if
19 any, to the use of such items will be heard Monday, February 4, 2008 at 11:00 a.m. with notice to
20 the court of a need for such hearing given by 8:00 a.m. on the 4th.

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22 DATED: 1/30/2008



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RONALD M. WHYTE
United States District Judge

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1 | Notice of this document has been electronically sent to:

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19 Counsel are responsible for distributing copies of this document to co-counsel that have not registered for e-filing under the court's CM/ECF program.

20 || Dated: 1/30/08

TSF
Chambers of Judge Whyte